

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

JEAN T. THOMAS, *et al*,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

WITTSTADT TITLE & ESCROW COMPANY,
LLC,

Defendant.

Civil Action No. 3:12-CV-450

ORDER

THIS MATTER is before the Court on a Motion to Dismiss Class Claims and/or Strike Class Action Allegations filed by Defendant (ECF No. 11). Defendant filed the instant Motion to Dismiss on August 21, 2012, and on September 4, 2012, Plaintiffs filed an Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). "A pleading that has been amended under Rule 15(a) supersedes the pleading it modifies and . . . [o]nce an amended pleading is interposed, the original pleading no longer performs any function in the case." 6 Charles Alan Wright *et al.*, *Federal Practice & Procedure* § 1476 (2d ed. 1990) (internal citations omitted); *see Young v. City of Mount Ranier*, 238 F.3d 567, 572 (4th Cir. 2001). As Plaintiffs have amended their initial Complaint, Defendant's Motion to Dismiss is hereby DENIED AS MOOT.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.

_____/s/
James R. Spencer
United States District Judge

ENTERED this 14th day of February 2013.